

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-19-87-SLP
)	
PHILIP JAMES HEATH,)	
)	
Defendant.)	

ORDER

Before the Court is the Motion to Review and Revoke Detention Order [Doc. No. 33] filed by Defendant Philip James Heath. This Court previously addressed a request for reconsideration of U.S. Magistrate Judge Gary M. Purcell’s detention order by Defendant and denied the same. *See* Order of May 17, 2019, Doc. No. 27. This Court conducted a de novo review of Judge Purcell’s detention order and, after “mak[ing] an independent determination of the proper pretrial detention or conditions for release” (*United States v. Cisneros*, 328 F.3d 610, 616 n.1 (10th Cir. 2003) (quotation marks and citation omitted)), this Court adopted in full Judge Purcell’s factual findings and legal conclusions in the Order of Detention Pending Trial [Doc. No. 14].


Much of Defendant’s current motion reasserts those contentions already rejected once by this Court. *See* Mot. 4-6, Doc. No. 33. This Court, again, rejects Defendant’s different view of his circumstances from the view shared by this Court and by Judge Purcell. This Court has previously considered Defendant’s arguments related to his employment, his family, and the length of time since prior arrests as part of this Court’s

review of Defendant's Pretrial Services Report [Doc. No. 12] and its entry of the Order of May 17, 2019 [Doc. No. 27].

The only new argument presented in Defendant's current motion is that his "health condition has deteriorated as a result of his confinement," which Defendant argues is "a sufficient change in circumstance to warrant the defendant's release pretrial with appropriate conditions." Mot. 4, Doc. No. 33. This Court disagrees. Defendant has provided no evidence, or even a description, of his relevant health conditions or how they have changed. Nor would Defendant's poor health (if shown), alter the conclusions—already adopted by this Court—that "no condition or combination of conditions of release will reasonably assure the safety of any other person and the community" and that "no condition or combination of conditions of release will reasonably assure the defendant's appearance as required." Order of Detention Pending Trial 2 [Doc. No. 14]; *see* Order of May 17, 2019, Doc. No. 27 (adopting such conclusions as if made by this Court).

IT IS THEREFORE ORDERED that Defendant's Motion to Review and Revoke Detention Order [Doc. No. 33] is DENIED as indicated herein. This Court again ADOPTS Judge Purcell's Order of Detention Pending Trial [Doc. No. 14].

IT IS SO ORDERED this 30th day of May, 2019.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE